

REAUTHORIZATION OF THE OLDER AMERICANS ACT — 106th Congress

Current Law	H.R. 1637 (Martinez) S.1203 (Mikulski) Administration Proposal	H.R. 782 as reported out on 9/15/99	S.1536 (DeWine)
<p><u>GENERAL</u></p> <p>The Older Americans Act amended in 1992 is authorized for three-years and contains seven distinct and significant titles.</p> <ul style="list-style-type: none"> ●Title I: Declaration of Objectives; Definitions ●Title II: Administration on Aging ●Title III: Grants for State and Community Programs on Aging <ul style="list-style-type: none"> - Part A -- General Provisions - Part B -- Supportive Services and Senior Centers - Part C -- Nutrition Services <ul style="list-style-type: none"> - Subpart 1 -- Congregate Nutrition Services - Subpart 2 -- Home Delivered Nutrition Services - Part D -- In home Services for Frail - Part E -- Additional Assistance for Special Needs - Part F -- Disease Prevention and Health Promotion - Part G -- Supportive Activities for Caretakers ●Title IV: Research, Development, and Demonstrations <ul style="list-style-type: none"> - Part A -- Education and Training - Part B -- Research, Development, and Demonstrations - Part C -- Centers - Part D -- Information Dissemination and Related Activities ●Title V: Community Service Employment for Older Americans ●Title VI: Grants for Native Americans <ul style="list-style-type: none"> - Part A -- Indian Program - Part B -- Native Hawaiian Program - Part C -- General Provisions 	<p><u>GENERAL</u></p> <p>The bill is for a three-year reauthorization which retains all seven titles because of the significance each one has to the aging network and the lives of older individuals.</p> <ul style="list-style-type: none"> ●Title I: Declaration of Objectives; Definitions ●Title II: Administration on Aging ●Title III: Grants for State and Community Programs on Aging <ul style="list-style-type: none"> - Part A -- General Provisions - Part B -- Supportive Services and Senior Centers - Part C -- Nutrition Services <ul style="list-style-type: none"> - Subpart 1 -- Congregate Nutrition Services - Subpart 2 -- Home Delivered Nutrition Services - Part D -- National Family Caregiver Support Program - Part E -- Disease Prevention and Health Promotion Services ●Title IV: State and Local Innovations & Programs of National Significance ●Title V: Community Service Employment for Older Americans ●Title VI: Grants for Native Americans <ul style="list-style-type: none"> - Part A -- Indian Program - Part B -- Native Hawaiian Program - Part C -- General Provisions 	<p><u>GENERAL</u></p> <p>This bill is for a five-year reauthorization which reduces the Act to five titles by repealing Title I, Title IV and two chapters in Title VII. It incorporates some of the provisions from the repealed titles into other components.</p> <ul style="list-style-type: none"> -Title I: General Provisions <ul style="list-style-type: none"> - Subtitle A — Statement of Purpose; Definitions - Subtitle B — Administration -Title II: Grants for Native American Programs on Aging -Title III: Grants for State and Community Programs on Aging <ul style="list-style-type: none"> - Subtitle A -- Grants for Programs on Aging <ul style="list-style-type: none"> - Chapter 1 — General Provisions - Chapter 2 — Supportive Services and Multipurpose Senior Centers - Chapter 3 — Nutrition Services <ul style="list-style-type: none"> - Part I — Congregate Nutrition Services - Part II — Home Delivered Nutrition Services - Part III — Additional Requirements - Chapter 4 — Disaster Relief Reimbursements - Subtitle B — Disease Prevention & Health Promotion Services Program - Subtitle C — Family Caregiver Programs - Subtitle D — Authorization of Appropriations - Title IV: State Long-Term Care Ombudsman Programs; Services for the Prevention and Remediation of Elder Abuse, Neglect, and Exploitation <ul style="list-style-type: none"> - Subtitle A — Use of Additional Allotments - Subtitle B — State Long-Term Care Ombudsman Program - Subtitle C — Prevention and Remediation of Elder Abuse, Neglect, and Exploitation - Subtitle D — Administrative Provisions; Authorizations of Appropriations 	<p><u>GENERAL</u></p> <p>This bill is for a four-year reauthorization which reduces the Act to six titles by repealing Title IV and two chapters in Title VII.</p> <ul style="list-style-type: none"> - Title I: Declaration of Objectives; Definitions - Title II: Administration on Aging - Title III: Grants for State and Community Programs on Aging <ul style="list-style-type: none"> - Part A -- General Provisions - Part B -- Supportive Services and Senior Centers - Part C -- Nutrition Services <ul style="list-style-type: none"> - Subpart 1 -- Congregate Nutrition Services - Subpart 2 -- Home Delivered Nutrition Services - Part D — National Family Caregiver Support Program - Part E — Disease Prevention and Health Promotion Services - Part F — State and Local Innovations & Programs of National Significance - Part G — Pension Counseling Programs - Title IV: repealed - Title V: Senior Community Service Employment Program - Title VI: Grants for Native Americans <ul style="list-style-type: none"> - Part A — Indian Program - Part B — Native Hawaiian Program - Part C — Native American Organization Provisions - Part D — Native American Caregiver Support Program

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<p>●Title VII: Vulnerable Elder Rights Protection Activities</p> <ul style="list-style-type: none"> - Subtitle A -- State Provisions - Chapter 1 -- General State Provisions - Chapter 2 -- Ombudsman Programs - Chapter 3 -- Programs for the Prevention of Elder Abuse, Neglect, and Exploitation - Chapter 4 -- State Elder Rights and Legal Assistance Development Program - Chapter 5 -- Outreach, Counseling, and Assistance Program - Subtitle B -- Native American Organization Provisions - Subtitle C -- General Provisions 	<p>●Title VII: Vulnerable Elder Rights Protection Activities</p> <ul style="list-style-type: none"> - Subtitle A -- State Provisions - Chapter 1 -- General State Provisions - Chapter 2 -- Ombudsman Programs - Chapter 3 -- Programs for the Prevention of Elder Abuse, Neglect, and Exploitation - Chapter 4 -- State Elder Rights and Legal Assistance Development Program - Chapter 5 -- Life Course Planning - Subtitle B -- Native American Organization Provisions - Subtitle C -- General Provisions 	<p>- Title V — Community Service Employment for Older Americans</p>	<p>- Title VII: Vulnerable Elder Rights Protection Activities</p> <ul style="list-style-type: none"> - Subtitle A — State Provisions <ul style="list-style-type: none"> — Chapter 1 — General State Provisions — Chapter 2 — Ombudsman Programs — Chapter 3 — Prevention of Elder Abuse, Neglect, and Exploitation - Subtitle B — General Provisions
<p>The Act, last amended in 1992, has established in its thirty-four years, the aging network of State and Area Agencies on Aging, tribes and service providers, and has focused on the development and implementation of comprehensive and coordinated home and community-based service delivery systems. It contains a number of key principles and objectives.</p>	<p>The bill retains the targeting principles through the "with particular attention to low-income minorities" provisions and focus. The bill also retains priority services, thereby maintaining an emphasis on access, in-home, and legal assistance.</p>	<p>The bill eliminates the broad social policy objectives that have been the foundation of the Act for more than 30 years. The bill retains the basic targeting principles through "with particular attention to low-income minorities" language. It adds a focus on paying particular attention to older individuals residing in rural areas. The bill eliminates the concept of priority services.</p>	<p>The bill retains the targeting principles through the "with particular attention to low-income minorities" provisions and focus. The bill also retains priority services, thereby maintaining an emphasis on access, in-home, and legal assistance.</p>
<p>The Act focuses on the development of comprehensive and coordinated home and community-based service delivery systems, senior centers, and local focal points of service delivery.</p>	<p>The bill focuses on flexibility, consolidation and streamlining within titles, enhancing accountability, and customer orientation.</p>	<p>The bill focuses on flexibility, consolidation and streamlining within titles, enhancing accountability, and customer orientation.</p>	<p>The bill focuses on streamlining, consolidating, and granting more flexibility to the States. It does not contain enhancements focused on consumer orientation and direction. The bill retains provisions related to the designation of focal points, but places it in the section related to allotments to states as opposed to the section related to area plan development.</p>
<p>Section 202 (a) of the (Technical Amendments of) Older Americans Act of 1993 states that not later than May 31, 1995, the President shall convene the White House Conference on Aging in order to develop recommendations for additional research and action in the field of aging which will further policy set forth in subsection (b). Section 204 establishes a Federal Council on Aging to advise and assist the President and Assistant Secretary on matters relating to the special needs of older individuals.</p>	<p>The bill retains authority for the Federal Council on Aging and the convening of a White House Conference on Aging in the Year 2005, thereby continuing the emphasis needed on preparing the nation for the impact of an aging society.</p>	<p>The bill eliminates authority for the Federal Council on Aging and the White House Conference on Aging.</p>	<p>The bill retains authority for the Federal Council on Aging, but does not contain provisions for a White House Conference on Aging.</p>

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<p><u>TITLE I - DECLARATION OF OBJECTIVES; DEFINITIONS</u></p> <p>The Act contains 10 objectives that address the inherent dignity of older people, and the duty and responsibility of the governments of the United States to assist older Americans in attaining those objectives.</p>	<p><u>TITLE I - DECLARATION OF OBJECTIVES; DEFINITIONS</u></p> <p>The objectives in the Act were retained without change, based on the belief that they are still appropriate for the aging network and our older population. They focus on the traditional American concept of an individual's dignity in our democratic society.</p>	<p><u>TITLE I: GENERAL PROVISIONS</u> <u>Subtitle A: Statement of Purpose; Definitions</u></p> <p>This section attempts to clarify the purpose for the Act, and includes all definitions except those for Health Promotion/Disease Prevention and Community Service Employment Program which remain in their respective sections.</p> <p>The amended purpose is to encourage States, area agencies, and tribal organizations to concentrate resources, to develop greater capacity, and foster the development and implementation of comprehensive and coordinated systems. The further intent is for States, AAAs and tribal organizations to serve older individuals by entering into cooperative arrangements (1) for the planning and provision of supportive services, nutrition services, multipurpose senior centers, community service employment, and volunteer services to maintain independence and dignity in a home environment, remove social barriers, (2) provide a continuum of care, (3) secure the opportunity for managed in-home and community-based long-term care services, (4) ensure protection against abuse and neglect, and (5) promote employment opportunities and community service. The ten universal objectives of the Act have been dropped.</p>	<p><u>TITLE I - DECLARATION OF OBJECTIVES; DEFINITIONS</u></p> <p>The objectives in the Act were retained.</p>

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<p><u>TITLE II — ADMINISTRATION ON AGING</u></p> <p>Establishes the Administration on Aging, the functions of the Assistant Secretary for Aging and authorizes the review of policies affecting aging. It also provides for the periodic evaluation of programs under the Act.</p>	<p><u>TITLE II — ADMINISTRATION ON AGING</u></p> <p>Retains the authorities for AoA and the Assistant Secretary. Specific authority is provided for continuing the Eldercare Locator. Authority is also provided to accept gifts (in cash or in kind) which may be used for the design of demonstrations and best practices; planning of conferences; and development and dissemination of informational materials.</p>	<p><u>Subtitle B: Administration</u></p> <p>Establishes AoA and contains specification for three positions in addition to the Assistant Secretary for Aging. These positions administer the Native American programs, the ombudsman program, and nutrition services programs. There is no requirement that the person responsible for the ombudsman program have expertise as in current law.</p> <p>The general authority previously under Title IV is incorporated here. It includes authority to make grants for the purpose of expanding the nation's knowledge; designing, testing, and promoting innovative ideas and best practices; meeting the needs for trained personnel; increasing awareness of the need to assume personal responsibility for one's own aging; conducting research and demonstrations; and the provision of training and technical assistance. It contains authority to conduct evaluations, but does not provide separate authority or a mechanism for funding them.</p> <p>It retains authority contained in the current Act for career preparation in aging through grants to Historically Black Colleges and Universities, Hispanic Centers of Excellence in Applied Gerontology, and other institutions serving the needs of minority students. It also retains authority for Pension Rights Demonstration Projects, and adds provisions for a pension assistance hotline. It adds provisions for conducting health care service demonstrations in rural areas. It provides specific funding levels for these activities.</p> <p>Removes requirements that AoA fund the establishment and operation of a National Ombudsman Resource Center, a National Center on Elder Abuse, and a National Aging Information Center.</p> <p>The Eldercare Locator is authorized and funded from R&D. The provisions for a uniform data collection system are retained, as well as the gathering of statistical data and consultation with other federal agencies; but separate ombudsman reporting requirements are removed.</p> <p>The focus on the ASA as the effective and visible advocate is retained.</p> <p>This draft now incudes a requirement that the heads of</p>	<p><u>TITLE II — ADMINISTRATION ON AGING</u></p> <p>Retains the authorities for AoA and the Assistant Secretary. Specific authority is provided for continuing the Eldercare Locator. Authority is also provided to accept gifts (in cash or in kind) which may be used for the design of demonstrations and best practices; planning of conferences; and development and dissemination of informational materials.</p>

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<p><u>TITLE III- GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING</u></p> <p>Title III authorizes funds to State and area agencies for a broad array of in-home and supportive services, including nutrition services. The Act under Sec. 341(a) authorizes states to provide in-home services to frail older individuals, including in-home supportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims. Additional assistance for the special needs of older individuals is also authorized in Sec. 351. Supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction) is authorized under Sec. 381. All of these services are also authorized under Part B - Supportive Services and Senior Centers. States award funds to area agencies on aging under an intrastate funding formula. Part F-Disease Prevention & Health Promotion Services, unlike other title III service components, requires state agencies to give funding priority to areas of the state that are medically underserved and where there are large concentrations of economically needy older individuals.</p> <p>The Act sets forth numerous requirements for area plans and enumerates assurances for state plans as conditions for receiving funds.</p>	<p><u>TITLE III - GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING</u></p> <p>Title III is retained. In order to restore flexibility of State and Area Agencies on Aging to respond to differing and changing local needs, the bill eliminates the following categorical sub-part programs and puts the authority for them under the supportive services part:</p> <ul style="list-style-type: none"> • E - Additional Assistance for Special Needs of Older Individuals • G - Supportive Activities for Caretakers Who Provide In-Home Services to Frail Older Individuals. <p>This will restore the primary focus by integrating them into the two broad categories of nutrition and supportive services.</p> <p>The bill eliminates nearly one-half of the list of items which States and Area Agencies must specify in their plans, or which are categorized as the federal government prescribing "how to" achieve certain national goals. The goal of the reauthorization proposal is on enhancing the efficiency and effectiveness of administration at the local level.</p> <p>The proposal balances the distinct interests of the partners in the aging network. Additional flexibility is granted through enhanced waiver authority. Additionally, there is recognition of and facilitation for the aging network to continue to be innovative in the design and delivery of home and community-based services. Authority is granted to permit cost-sharing for selected services and to focus on developing consumer-directed service systems.</p>	<p><u>TITLE III: GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING</u> <u>Subtitle A: Grants for Programs on Aging</u></p> <p>Title III is retained. The bill restores flexibility to State and Area Agencies on Aging by redrafting the current law and consolidating the principles, programs and requirements into the broad categories of supportive services and nutrition services.</p> <p>The bill redrafts and eliminates the list of items which States and Area Agencies must demonstrate in their plans. The goal appears to be on enhancing the efficiency and effectiveness of administration at the local level.</p> <p>The proposal balances the distinct interests of the partners in the aging network. Additional flexibility is granted through expanded transfer and waiver authority.</p> <p>Cost sharing is not permitted for supportive or nutrition services under Title III. Cost sharing is only authorized for respite and in-home services under Title III, Subtitle C — Family Caregiver Programs. There are provisions for the development of some degree of consumer-directed services.</p>	<p><u>TITLE III - GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING</u></p> <p>Title III is retained. In order to restore flexibility of State and Area Agencies on Aging to respond to differing and changing local needs, the bill eliminates the following categorical sub-part programs and put the authority for them under the supportive services part:</p> <ul style="list-style-type: none"> • E - Additional Assistance for Special Needs of Older Individuals • G - Supportive Activities for Caretakers Who Provide In-Home Services to Frail Older Individuals. <p>This will restore the primary focus by integrating them back into the two broad categories of nutrition and supportive services.</p> <p>The bill eliminates nearly one-half of the list of items which States and Area Agencies must specify in their plans, or which are categorized as the federal government prescribing "how to" achieve certain national goals. The goal of the reauthorization proposal is on enhancing the efficiency and effectiveness of administration at the local level.</p> <p>The proposal balances the distinct interests of the partners in the aging network. Additional flexibility is granted through enhanced waiver authority. Authority is granted to permit cost-sharing for selected services</p>
<p>Part B -- Supportive Services and Multipurpose Senior Centers</p> <p>Divided requirements over various interconnected parts from A-G</p>	<p>Part B -- Supportive Services and Multipurpose Senior Centers</p> <p>Consolidated, reorganized and streamlined requirements.</p>	<p>Supportive Services and Multipurpose Senior Centers</p> <p>Rewritten to consolidate and streamline provisions.</p>	<p>Part B -- Supportive Services and Multipurpose Senior Centers</p> <p>Consolidated, reorganized and streamlined requirements.</p>

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	Modernizing Aging Programs and Services A new proposal in the 106 th Congress, States are given the option to fund, in collaboration with one or more AAAs, a project to develop, test, and implement innovative, cost-effective methods of delivering services under the Act to older individuals and their families.	Modernizing Aging Programs and Services No similar provision to the Administration's new proposal is included in this bill.	Modernizing Aging Programs and Services No similar provision to the Administration's new proposal is included in this bill.
Ombudsman program ... Permits state agencies to use any amount of Title III-B money necessary to conduct an effective ombudsman program [Section 304(d)(1)(B)] and contains minimum ombudsman funding requirements for State and Area agencies [Sections 306(a)(11) and 307(a)(21)]. Builds on ombudsman provisions in previous reauthorizations; contains provisions which strengthen the authority of the ombudsman and increase the ability of the statewide program to effectively speak on behalf of and represent the needs/interests of vulnerable residents of nursing homes and similar adult care facilities, including: - requirement for full-time State Ombudsman and Office of the Ombudsman; - list of functions, including ombudsman duties to recommend changes in laws, regulations, policies and actions pertaining to health, safety, welfare and rights of residents and similar provisions, including providing information to agencies and legislators; - State Ombudsman responsibility to designate local ombudsman entities (programs), duties of local entities, and eligibility requirements for local entities; - procedures for access to facilities, residents and records; - specific ombudsman reporting requirements, including requirement that an ombudsman report be submitted to the state licensing agency and other federal and state entities, including AoA, and specific description and analysis requirements for the report; - detailed provisions regarding conflict-of-interest; - disclosure, consultation, administration, liability and noninterference requirements; and - requirement that states establish training standards and that ombudsmen be trained.	Ombudsman program... Retained with all the advances, protections and improvements made through the recent reauthorizations. - No limits on the amount of funds to be utilized in the program - Maintenance of effort requirements retained	Ombudsman program — (also see Titles I & IV) Eliminates the provisions for the establishment of an Office of State Long-Term Care Ombudsman and the State Long-Term Care Ombudsman position. Makes changes to who has access to resident medical and social records. Modifies reporting requirements for State programs and eliminates the specific reference to a separate Ombudsman report to Congress. Eliminates the specificity contained in current law with regard to identifying, guarding against, and resolving conflicts of interest. The minimum funding level under Title III is eliminated. States could use not more than 15% of their supportive and nutrition services allotment for ombudsman, legal assistance and elder abuse . Upon a showing that the amount is insufficient to satisfy the need, a waiver to use an additional 5% may be granted.	Ombudsman program... Retained with all the advances, protections and improvements made through the recent reauthorizations. - No limits on the amount of funds to be utilized in the program - Maintenance of effort requirements retained and updated to the 1999 levels - Adds "law enforcement" as a background field from which state ombudsmen may be selected; - Adds as criteria for designation of local ombudsman entities that they not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves; - Adds caregivers to those for whom ombudsmen are to establish training procedures; - Requires coordination of ombudsman services with State and local law enforcement agencies and courts of competent jurisdiction.

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Legal Services... AAAs are required to expend an adequate amount, unless they ask for and receive a waiver based on their assurance that an adequate amount of funds are available and expended from other funds.	Legal Services... Retained as a mandated priority service to be provided by States and AAAs.	Legal Services... Priority services are eliminated. Legal assistance is a permissible supportive service States and AAAs may provide under Title III. States could use not more than 15% of their supportive and nutrition services allotment for ombudsman, legal assistance and elder abuse . Upon a showing that the amount is insufficient to satisfy the need, a waiver to use an additional 5% may be granted.	Legal Services... Retained as a mandated service to be provided by States and AAAs.
Elder Abuse... Must be provided through the Statewide development of a comprehensive and coordinated Elder Abuse program under Chapter 3 of Title VII, with the ability to fund specific activities at the State and local level out of Title III.	Elder Abuse... Retained as a service to be provided through the Statewide development of an Elder Rights System under Title VII, with the ability to fund specific activities at the State and local level out of Title III.	Elder Abuse... Retained as a service to be provided under the State plan required in Title III, with requirements governing the manner of providing services in Title IV. Title IV contains only the State LTC Ombudsman Program and Elder Abuse from the current Title VII. States could use not more than 15% of their supportive and nutrition services allotment for ombudsman, legal assistance and elder abuse . Upon a showing that the amount is insufficient to satisfy the need, a waiver to use an additional 5% may be granted.	Elder Abuse... Retained as a service to be provided through the Statewide development of an Elder Rights System under Title VII, which contains only the State LTC Ombudsman Program and Elder Abuse. Adds provisions to coordinate with state and local law enforcement systems, but deletes training related to self-determination. Adds issues previously related to legal assistance development. Also retained is the ability to fund specific activities at the State and local level out of Title III.
Outreach -- Required in both State and area plans and includes older minority individuals.	Outreach -- Retained provisions for outreach which covered older minority individuals.	Outreach -- Plan shall provide assurances that the State will require outreach efforts that will identify individuals eligible for assistance and inform them of the availability of such assistance. For this function, there is an emphasis on certain types of older individuals: rural, greatest economic need, greatest social need, severe disabilities, limited English speaking, and Alzheimer's.	Outreach -- Retained provisions for outreach which covered older minority individuals.
Multigenerational Services Encouraged and expected as part of providing comprehensive and coordinated service delivery systems.	Multigenerational Services Retained in concept but not required.	Multigenerational Services & Quality Assurance Plan shall provide assurances that efforts will be made to coordinate services with other services that provide multigenerational activities.	Multigenerational Services Plan shall provide assurances that efforts will be made to coordinate services with other services that provide intergenerational activities.
	Services to Non-Elderly Clarification is added to make clear that States and AAAs are free to provide services, and to serve individuals, not specified in the Act, provided that they do not use cash or in-kind resources provided under the Act to do so.	Services to Non-Elderly No provisions are included in this bill.	Services to Non-Elderly Provisions are added to indicate that with funds from other sources, services can be provided to the same populations as in the Act — older individuals.

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	Health Care Information Systems A new assurance is included for States to make efforts to develop, arrange for, and operate a system providing, or to coordinate the provision by another entity, of any one or more of the following services with respect to the needs of older individuals: (i) health care information services to assist in making informed choices; (ii) counseling in selecting public and private health care benefits, policies and options; (iii) a health care ombudsman program; and (iv) assistance to providers of nutrition and supportive services and providers of acute and chronic health care.	Health Care Information Systems No provisions are included in this bill.	Health Care Information Systems No provisions are included in this bill.
Cost Sharing... Eligibility for programs and services authorized under Title III of the Act is established on an individual basis with age being the sole criterion. Section 102(38) defines the term "older individual" as an individual who is 60 years of age or older. The purpose of Title III of the Act is "...the development and implementation of comprehensive and coordinated systems to serve older individuals [section 301(a)(1)]. Thus, all persons 60 years of age or older can participate in Title III programs and services. The Act does, however, require state and area agencies to develop state and area plans based on needs assessments which take into account the needs of those older persons in greatest social and economic need with particular attention to low-income minority individuals. The Act and current regulations require that recipients be given an opportunity to contribute voluntarily to expand the availability of services. The level of contributions in nutrition services programs is substantial. The \$486 million in OAA nutrition funds generates \$162 million in participant contributions.	Cost Sharing... The bill permits States to implement cost sharing for purposes of enhancing coordination. It exempts I&A, outreach, benefits counseling, case management, ombudsman, protective services, nutrition services and low-income individuals based on a threshold set by the State.	Cost Sharing... The bill does not permit cost sharing except for in the Part C--Family Caregiver Program. For that program, it provides states the option of implementing cost sharing for respite and in-home services, except that individuals at or below the poverty level are exempt, rates must be developed on a sliding-fee scale approved by AoA. Income will be determined through self-declaration, and there can be no denial of service because of the inability to pay.	Cost Sharing The bill permits States to implement cost sharing for purposes of enhancing coordination. It exempts I&A, outreach, benefits counseling, case management, ombudsman, legal assistance, protective services, nutrition services and low-income individuals based on a threshold set by the State. It provides for sliding fee scales based on income, and income to be determined by self-declaration.
		Voluntary Contributions... This bill specifies the system for handling voluntary contributions. It requires consultation with AAAs, service providers, and the comments of recipients. It excludes information and assistance, outreach, benefits counseling, case management, ombudsman and protective services. The system must be based on the ability to contribute, and be used to increase or expand the service.	Voluntary Contributions... The bill also makes provisions related to the current voluntary contributions system. It exempts from solicitation I&A, outreach, benefits counseling, case management, ombudsman, legal assistance, protective services, and low-income individuals based on a threshold set by the State. There can be no means test or denial of service. Also, AAAs must consult with service providers on the best method for collecting contributions.
Consumer-directed Services In the OAA there is not explicit authorization for the use of independent providers, including family members, and the use of cash or vouchers for payment of these providers by the customer.	Consumer-directed Services --Optional The bill provides authority for the usage of cash or vouchers for the purpose of enhancing consumer-directed service provision.	Consumer-directed Services --Optional The bill provides authority for the usage of vouchers under certain circumstances, for the purpose of enhancing consumer-directed service provision. There is no authority for the usage of cash.	Consumer-directed Services No provisions are made.

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<p>Transfers... Provides waiver authority of up to 30 percent (and a phased down additional amount of 10%) for transfers between congregate and home delivered meal programs, and a phased down amount of up to 20 percent between supportive and nutrition programs (with an additional 8% option upon application).</p>	<p>Transfers... The bill retains the authority for transfers of up to 30% between congregate and home-delivered meal programs, and for up to 20% between supportive services and nutrition programs. In addition, it provides waiver authority and an additional percentage (10% and 8% respectively) if these caps are too restrictive in a given State.</p>	<p>Transfers... The bill retains and revises the authority for transfers. Between congregate and home-delivered meal programs, States may transfer not more than 50%. There is no provision for an additional amount through a waiver request. Between supportive and nutrition services, States may transfer not more than 20%, but can request an additional 25% through a waiver.</p>	<p>Transfers... The bill retains the authority for transfers of up to 30% between congregate and home-delivered meal programs, and for up to 20% between supportive services and nutrition programs. In addition, it provides waiver authority of any amount for the transfer between congregate and home-delivered meals. It retains the additional 8% cap for transfers between supportive and nutrition services.</p>
<p>Waivers... Provides waiver authority for mandatory services, use of State plan administration funds to increase area plan ceilings and services, and transfers between Parts B and C upon application.</p> <p>For Direct Service Waivers, one of three elements must be demonstrated: 1) that it is necessary to assure an adequate supply of services; 2) the services directly related to administrative functions; or 3) such services can be provided more economically and with comparable quality.</p>	<p>Waivers... The bill grants authority to grant waivers in the areas of statewide uniformity; state and area plan requirements; restrictions on transfers; and the maintenance of effort levels down to the minimum match required under a State plan. To qualify for a waiver, a State must demonstrate that approval of the State legislature has been obtained or is not necessary; AAAs have been consulted; the proposal has been subject to public review and comment; benefits are likely to outweigh negative consequences.</p> <p>The requirements for granting direct service waivers are retained.</p>	<p>Waivers... General waiver authority does not appear to be granted.</p> <p>The requirements for granting direct service waivers are retained and modified. There must be a showing of the need to ensure an adequate supply of services; it is directly related to the administrative functions; or comparable quality can be provided more economically. A waiver is not required for I&A, outreach, or case management provided by a AAA.</p>	<p>Waivers... The bill grants authority to grant waivers in the areas of statewide uniformity; state and area plan requirements; restrictions on transfers; and the maintenance of effort levels down to the minimum match required under a State plan. To qualify for a waiver, a State must demonstrate that approval of the State legislature has been obtained or is not necessary; AAAs have been consulted; the proposal has been subject to public review and comment; benefits are likely to outweigh negative consequences.</p> <p>The requirements for granting direct service waivers are modified from having to demonstrate one of the three, to having to demonstrate all three. In addition, case management, I&A, and outreach do not require waivers.</p>
<p>Interstate Funding Formula The Act contains three factors for allocations under Title III among the States: the amount each state received in 1987 (hold harmless); a minimum amount each state receives; and the population based ratio each state represents to the total population of older individuals.</p>	<p>Interstate Funding Formula The provisions are retained unchanged.</p>	<p>Interstate Funding Formula The provisions are retained with revised language; however, the factors and the order in which they are applied can remain the same.</p>	<p>Interstate Funding Formula The provisions are updated and reorganized. The hold harmless level is updated to 1999, and the formula is to be run with population first, then checking to see if the minimum and hold harmless factors are met. If not, each state is reduced proportionately to meet these two factors.</p>

REAUTHORIZATION OF THE OLDER AMERICANS ACT — 106th Congress

Current Law	H.R. 1637 (Martinez) S.1203 (Mikulski) Administration Proposal	H.R. 782 as reported out on 9/15/99	S.1536 (DeWine)
<p>Part C -- Nutrition Services...</p> <p>Section 311 requires the Secretary of Agriculture to provide support in the form of commodities or cash-in-lieu of commodities to a recipient of a grant or contract to be used for nutrition services in compliance with the provisions of Title III of the Older Americans Act. This support is provided on a per-meal reimbursement basis as the Nutrition Program for the Elderly (NPE) and is administered by the Food and Consumer Services of the United States Department of Agriculture (USDA) through State and Territory distributing agencies as well as Tribes.</p>	<p>Part C -- Nutrition Services...</p> <p>The bill consolidates by eliminating the unfunded Subpart for school-based meals, but grants authority for States to perform this function under the congregate nutrition services subpart. It modifies the USDA meal reimbursement program to lessen the administrative burdens on States and local agencies. The bill retains the connection with the number of meals provided and minimizes any disruptiveness in allocations to States. It exempts the transferred funds from funding formulas and administrative costs, and maintains its availability to the Native American Program.</p>	<p><u>Chapter 3 -- Nutrition Services</u></p> <p>The subparts are consolidated, but the bill still references separately nutrition projects in congregate (including adult day care) and home-delivered settings.</p> <p>The bill fails to include current provisions requiring nutrition projects to comply with applicable State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service and delivery of meals.</p> <p>It makes available to AoA the funds in the USDA NPE program. Allotments are based on the number of meals served in the previous year, which will reduce the administrative burden to the States and AAAs, but the proposal differs from the Administration's current proposal in that the Administration's proposal would retain program administration for the program with USDA and merely streamline its operation. Commodities are to be purchased by the Assistant Secretary from USDA. Services to Native American programs are now covered.</p>	<p>Part C -- Nutrition Services...</p> <p>The bill consolidates by eliminating the unfunded Subpart for school-based meals, but grants authority for States to perform this function under the congregate nutrition services subpart. It modifies the USDA meal reimbursement program to lessen the administrative burdens on States and local agencies. The bill retains the connection with the number of meals provided and minimizes any disruptiveness in allocations to States. It exempts the transferred funds from funding formulas and administrative costs, and maintains its availability to the Native American Program.</p>

REAUTHORIZATION OF THE OLDER AMERICANS ACT — 106th Congress

Current Law	H.R. 1637 (Martinez) S.1203 (Mikulski) Administration Proposal	H.R. 782 as reported out on 9/15/99	S.1536 (DeWine)
<p>Part D — In-Home Services for Frail Older Individuals</p> <p>Provides grants to States for in-home services for frail older individuals, including of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.</p>	<p>Part D — National Family Caregiver Support Program</p> <p>A new Administration proposal in the 106th Congress, consolidates the current III-D into III-B. Creates new support networks that provide: information about the availability of support services; assistance in gaining access; individual counseling to help make decisions and solve problems; respite care, and supplemental services. It would establish an infrastructure of program resources and assistance to family and other informal caregivers through State and area agencies on aging, service providers and consumer organizations. It is focused on providing caregiver support to older individuals who are unable to perform at least two activities of daily living or, due to a cognitive or other mental impairment require substantial supervision.</p> <p>An authorization of appropriations for \$125 million is provided for the first year.</p> <p>It also authorizes a program of competitive grants to foster the development and testing of new evidence-based approaches to sustaining the efforts of families and other informal caregivers. Up to 10% of appropriations are to be reserved for this purpose; 20% of the reserved funds are to be used for Native American competitive grants. Further, it requires the Assistant Secretary to carry out activities of national significance in relation to the provision of support to family and other informal caregivers. Up to 2% of appropriations are to be reserved for this purpose.</p> <p>The funds are to be allotted under the same 60+ population-based interstate funding formula as for supportive and nutrition services under Title III. Funds can be made available for reallocation. The required match is 25% from nonfederal sources.</p>	<p>Subtitle C — Family Caregiver Programs</p> <p>Consolidates provisions of the current III-D into III-B, and creates new support networks that provide: information about the availability of support services; assistance in gaining access; individual counseling to help make decisions and solve problems; respite care, and in-home services. It would establish an infrastructure of program resources and assistance to family and other informal caregivers through State and area agencies on aging, service providers and consumer organizations. It is focused on providing caregiver support to older individuals who are unable to perform at least two activities of daily living; or at the option of the state, are unable to perform at least three such activities; or due to a cognitive or other mental impairment require substantial supervision.</p> <p>An authorization of appropriations for \$125 million is provided for the first year.</p> <p>There is no provision for competitive State or Native American grants in this bill or activities of national significance.</p> <p>The funds are to be allotted under a 70+ population-based interstate funding formula. Reallocation authority does not appear to exist in this bill. The required match is 25% from nonfederal sources.</p> <p>Cost sharing is permitted for respite and in-home services. Individuals whose income does not exceed the poverty line shall be exempt from required cost-sharing. The rates shall be established on a sliding-fee scale, approved by AoA. Income will be determined by self-declaration, and an individual cannot be denied the service for inability to pay</p>	<p>Part D — National Family Caregiver Support Program</p> <p>Consolidates provisions of the current III-D into Title III-B, and creates support networks that provide: information about the availability of support services; assistance in gaining access; individual counseling to help make decisions and solve problems; respite care, and supplemental services. It would establish an infrastructure of program resources and assistance to family and other informal caregivers and grandparents or older individuals who are relative caregivers through State and area agencies on aging, service providers and consumer organizations. It is focused on providing caregiver support to older individuals who are unable to perform at least two activities of daily living or, due to a cognitive or other mental impairment require substantial supervision.</p> <p>With regard to the priority service provision, the proposal expands the population to include not only grandparents caring for grandchildren, but also older individuals caring for persons with MR/DD.</p> <p>There is no specific authorization of appropriations level provided in this bill.</p> <p>A similar service program is provided for American Indians and Alaskan Natives under Title VI.</p> <p>There is no program of competitive grants or activities of national significance.</p> <p>The funds are to be allotted under the same 60+ population-based interstate funding formula as for supportive and nutrition services under Title III. Funds can be made available for reallocation. The required match is 25% from nonfederal sources.</p>
<p>Part F — Disease Prevention & Health Promotion Services</p> <p>Provides for grants to States to provide disease prevention and health promotion services and information. States shall give priority to areas of the State which are medically underserved and in which there are a large number of older individuals who have the greatest economic need for such services.</p>	<p>Part E — Disease Prevention & Health Promotion Services</p> <p>The provisions of this subpart are retained.</p>	<p>Subtitle B — Disease Prevention & Health Promotion Services</p> <p>The provisions of this subpart are retained.</p>	<p>Part E — Disease Prevention & Health Promotion Services</p> <p>The provisions of this subpart are retained.</p>

REAUTHORIZATION OF THE OLDER AMERICANS ACT — 106th Congress

Current Law	H.R. 1637 (Martinez) S.1203 (Mikulski) Administration Proposal	H.R. 782 as reported out on 9/15/99	S.1536 (DeWine)
<p><u>TITLE IV - TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS</u></p> <p>Title IV has evolved over time into an array of specific items and areas for funding, without a fair degree of balance or an appropriate level of discretion for maintaining the ability to address current and future issues in the field of aging.</p>	<p><u>TITLE IV - STATE AND LOCAL INNOVATIONS AND PROGRAMS OF NATIONAL SIGNIFICANCE</u></p> <p>The title is maintained, but restructured based on four principles:</p> <ul style="list-style-type: none"> • Simplifying and Condensing • Restoring Discretion • Updating and Modernizing the Language • Reconstructing and Balancing the Functions <p>As a result, the bill eliminates the specificity and categorizes functions into the following broad areas:</p> <ul style="list-style-type: none"> — Education and training — Social research and analysis — Development of methods to improve quality and effectiveness — Demonstrations of new approaches — Technical assistance — Dissemination 	<p>TITLE I — Section 114. Powers of the Assistant Secretary</p> <p>Repeals the current Title IV. Instead, it places the discretionary program authority of the Assistant Secretary and AoA under a new Title I. This parallels the Administration bill by consolidating and simplifying discretionary project grants under broad categories, e.g., education and training; applied research; evaluation; development and demonstration projects; and technical assistance. But, adds specific references to (1) family caregiving; (2) Hispanic Centers of Excellence in Applied Gerontology; (3) Historically Black Colleges and Universities; and (4) Health Care Service Demonstration Projects in Rural Areas. Like the Senate bill, specifically authorizes Pension Rights demonstrations, retaining the training project authority (as opposed to the Senate bill, which deletes it). The House, like the Senate, calls for a Pension Assistance Hotline.</p> <p>Authorizes a specific amount for FY 2000, some of which is earmarked: no less than \$1 million for the Locator, \$540,000 for Hispanic Centers of Excellence in Applied Gerontology, \$1.2 million for Historically Black Colleges and Universities, \$1 million for Pension Rights Demonstration Projects, and \$1 million for Health Care Demo's in Rural Areas. Incidentally, in the last four categories, the language stipulates that the Assistant Secretary "shall make grants." In every other instance, the Assistant Secretary "may make grants."</p>	<p>Part F -- State and Local Innovations and Programs of National Significance</p> <p>Repeals the current Title IV. Instead, it places the discretionary program authority of AoA under a new subpart F to Title III; however the provisions are restricted solely to that title and do not extend to Native American populations or issues of elder rights protection.</p> <p>The components parallel the Administration bill by consolidating and simplifying discretionary project grants under the following broad areas:</p> <ul style="list-style-type: none"> — Education and training — Social research and analysis — Development of methods to improve quality and effectiveness — Demonstrations of new approaches — Technical assistance — Dissemination <p>Adds specific references to older persons who are blind, to graduate level training in mental health and aging, and to computer training.</p> <p>Part G — Pension Counseling Programs</p> <p>The provisions of the current Title IV, Sec. 429J, related to Pension Counseling Demonstration Projects are added here as a subpart of Title III. It adds provisions for the establishment of a Pension Assistance Hotline, but not the existing authority for establishing a training/technical assistance program.</p>
<p><u>TITLE V - COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS</u></p> <p>Sec. 502. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program.</p>	<p><u>TITLE V - COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS</u></p> <p>The bill extends and enhances the program by strengthening linkages to the employment-related assistance available through the one-stop delivery system established under the Workforce Investment Act of 1998, improving customer service, increasing accountability, and promoting a more equitable allocation of resources among States.</p>	<p>INSERT SUMMARY FROM DOL</p>	<p>INSERT SUMMARY FROM DOL</p>

REAUTHORIZATION OF THE OLDER AMERICANS ACT — 106th Congress

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<p><u>TITLE VI - GRANTS FOR NATIVE AMERICANS</u></p> <p>Under title III of the Older Americas Act (Act) services are provided to those older persons 60+, whereas under title VI, each tribe has the option to decide who is considered elderly, and within their services pool. The 1992 amendments to the Act emphasized in various sections the need to promote coordination between titles III and VI.</p>	<p><u>TITLE VI - GRANTS FOR NATIVE AMERICANS</u></p> <p>The bill retains separate authority for the program while adding provisions to clarify that only one grant per tribal organization is permitted under Part A and local customs and subsistence needs are to be taken into consideration. Other enhancements for Native Americans include authority to receive disaster assistance, the removal of barriers for coordination with Title III, access to the funds from USDA's NPE program, and special innovation grants under the National Family Caregiver Support Program (NFCSP).</p>	<p><u>TITLE II — GRANTS FOR NATIVE AMERICAN PROGRAMS ON AGING</u></p> <p>The bill retains separate authority for the program and consolidates the current Parts A and B into one set of authorities.</p> <p>It does not contain language related to taking into consideration local customs and subsistence needs.</p> <p>Enhancements include authority for tribal organizations to receive disaster assistance and to access funds from USDA's NPE program.</p> <p>It does not include caregiver innovation grants or a service structure for Native American populations.</p>	<p><u>TITLE VI - GRANTS FOR NATIVE AMERICANS</u></p> <p>The bill retains separate authority for the program while adding provisions to clarify that only one grant per tribal organization is permitted under Part A and local customs and subsistence needs are to be taken into consideration. Other enhancements for Native Americans include authority to receive disaster assistance, the removal of barriers for coordination with Title III, access to the funds from USDA's NPE program.</p> <p>Additional programs added to Title VI as subparts include elder rights protection and a National Family Caregiver Support Program service structure. The NFCSP provisions are limited to American Indians and Alaskan Natives, and does not include Native Hawaiians.</p> <p>From the funds received, grantees must individually contract for training and an annual conference for themselves.</p>

REAUTHORIZATION OF THE OLDER AMERICANS ACT — 106th Congress

Current Law	H.R. 1637 (Martinez) S.1203 (Mikulski) Administration Proposal	H.R. 782 as reported out on 9/15/99	S.1536 (DeWine)
<p><u>TITLE VII - VULNERABLE ELDER RIGHTS PROTECTION</u></p> <p>Provides separate authority for States to develop Elder Rights Protection Systems focused on protecting the rights of vulnerable older individuals who reside in the community and in institutional settings. It includes the provision of:</p> <ul style="list-style-type: none"> - Chapter 2 -- Ombudsman Programs - Chapter 3 -- Programs for the Prevention of Elder Abuse, Neglect, and Exploitation - Chapter 4 -- State Elder Rights and Legal Assistance Development Program - Chapter 5 -- Outreach, Counseling, and Assistance Program - Subtitle B -- Native American Organization Provisions <p>Funds are allotted through an interstate funding formula administered by initially allotting by 60+ population, and then adjusting to ensure that no state is allotted less than one-half of 1%, and for the Ombudsman and Elder Abuse programs, no less than the state was allotted in 1991 to carry out the programs under Title III.</p>	<p><u>TITLE VII - VULNERABLE ELDER RIGHTS PROTECTION</u></p> <p>The bill retains separate authority for States under this title to highlight its significance and the importance of focusing on protecting the rights of vulnerable older individuals who reside in the community and in institutional settings. The authorizations of appropriations are consolidated, and a floor, at the 1999 level, is created for the Ombudsman program, granting flexibility to States to fund the other authorized activities for which specific line-item appropriations are not received.</p> <p>Chapter 5 - Life Course Planning Program</p> <p>A new Administration proposal in the 106th Congress, Chapter 5, previously labeled, “Outreach Counseling, and Assistance Program,” is expanded and redesignated as the “Life Course Planning Program.”</p> <p>Life Course Planning is the identification and implementation by an individual of appropriate measures to prepare for the financial, health, and social aspects of longevity and to ensure the protection of elder rights. It includes planning with respect to:</p> <ul style="list-style-type: none"> — economic security, including financial literacy and knowledge of pension and public benefits; — options for community participation and social activities, including access to employment, volunteer, education, and leisure opportunities; — housing options; — insurance benefits; and — consumer protection. 	<p><u>TITLE IV — STATE LONG-TERM CARE OMBUDSMAN PROGRAMS; SERVICES FOR THE PREVENTION AND REMEDIATION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION</u></p> <p>The bill retains separate authority for States under this title, but only contains two of the program activities from the current Title VII -- Ombudsman and Elder Abuse. The authorizations of appropriations are consolidated for these two programs, but separate allocations are retained using the current interstate funding formula, which contains minimum funding levels (1991 hold harmless).</p> <p>There are no provisions for Chapter 4— State Elder Rights and Legal Assistance Development Program or for Chapter 5 — Outreach, Counseling, and Assistance.</p> <p>Life Course Planning Program No similar provision to the Administration’s new proposal is included in this bill.</p>	<p><u>TITLE VII - VULNERABLE ELDER RIGHTS PROTECTION</u></p> <p>The bill retains separate authority for States under this title. The authorizations of appropriations are consolidated, but separate allocations with minimum levels (FY 1999 hold harmless) are retained for the Ombudsman and Elder Abuse programs.</p> <p>Chapter 4 - State Elder Rights & Legal Assistance Development Program</p> <p>This chapter is eliminated except for one paragraph which is added to Chapter 3 — Prevention of Elder Abuse, Neglect, and Exploitation</p> <p>Chapter 5 — Outreach, Counseling, and Assistance This chapter is repealed.</p> <p>Life Course Planning Program No similar provision to the Administration’s new proposal is included in this bill.</p>